ACTION

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DEPARTMENT OF STATE

AIRGRAM

(163)
Pol 23-9 Greece

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A-413 NO. UNCLASSIFIED HANDLING INDICATOR Pol 5-2 NATO

TO : DEPARTMENT OF STATE

INFO : AmEmbassy ATHENS

Foreign Commerce

FROM : U. S. Mission GENEVA DATE: May 18, 1967

SUBJECT : Statement by International Commission of Jurists (ICJ) on Coup d'Etat in Greece

REF :

Enclosed are four copies of a press release which was issued in Geneva by the ICJ on May 9, 1967 relating to the coup d'état in Greece.

In the press release entitled "The Rule of Law Abrogated in Greece" the ICJ generally deplores the coup d'état which took place on April 21. The coup is found to have been "in complete violation of the Rule of Law which the International Commission of Jurists seeks to protect". The ICJ release draws attention to the illegal suspension of certain fundamental constitutional safeguards, recalls that Greece is a party to the European Convention for the Protection of Human Rights, and concludes that "the actions and methods of the Greek military regime clearly offend the provisions of the Convention. Accordingly these events concern not only Greece but all the other High Contracting Parties to the Convention and are highly damaging to the concepts of democracy and legality".

Enclosure:

4 copies of ICJ Press Release

TUBBY

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY 6 MAY 1982
EXEMPTIONS (S)
FA or EOI EXEMPTIONS

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Drafted by: L:WEHewitt:gmp 5/17/67

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URGENT **PRESS RELEASE**

INTERNATIONAL COMMISSION OF JURISTS
COMMISSION INTERNATIONALE DE JURISTES - COMISION INTERNACIONAL DE JURISTAS
INTERNATIONALE JURISTEN-KOMMISSION

2, QUAI DU CHEVAL-BLANC, GENEVA, SWITZERLAND - TELEPHONE 42 69 50
CABLE ADDRESS: INTERJURISTS

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FOR IMMEDIATE RELEASE

Embargo is to facilitate your work and our work. Please help us to keep it.

May 9, 1967

THE RULE OF LAW ABROGATED IN GREECE

The International Commission of Jurists would be failing in its duty if it did not call attention to the extremely serious situation which has arisen in Greece following upon the coup d'état carried out by a self-appointed group of military officers.

Until April 21, when the coup d'état took place, a lawfully constituted Government was in control and elections were due to be held on May 28. This coup d'état was clearly intended to overthrow the Government and to prevent the Greek people from expressing their will at an election. This is in complete violation of the Rule of Law which the International Commission of Jurists seeks to protect. Indeed at the Athens Congress of the Commission, in 1955, it was laid down:

> "The will of the people is the basis of the authority of public powers. This will must be expressed by free elections ..... The legislative power must be effectively exercised by an appropriate organ, freely elected by the citizens. The laws and other legal measures taken by the legislature cannot be abolished or restricted by a governmental measure."

Having seized de facto power, the military regime purported to issue a decree "suspending" all those articles of the Constitution which protect the rights of the individual and provide the guarantees necessary for the maintenance of the Rule of Law. This group of military officers had, of course, no authority to nullify the Constitution. In case of grave public danger the King on the advice of the Government, and subject to subsequent ratification by Parliament, could have suspended some Constitutional guarantees. The military officers went even further than the King, the Government and Parliament were entitled to go in that they purported to suspend Article 18 of the Constitution which cannot be suspended even in an emergency. It is the Article which forbids torture, capital punishment for political offence and total confiscation of property. This step can only give rise to real fears as to the intentions of the regime. The following fundamental constitutional safeguards are among those that have also been abrogated:

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Article V lowers the required percentage of votes for participation of single parties in the second allocation to 10% of the total vote of one of the nine large districts (not of the national vote as provided in the previous law). The percentages for coalitions of two or more parties remain 25% and 30%, respectively, of the national vote. Also, a single party may participate in the second allocation provided "in the first allocation it was awarded a seat in one of the districts comprised in the larger district in question."

Article VI describes the third allocation of seats. The significant new element is that the nation-wide vote by party is utilized as the basis for calculation rather than simply the votes left over after the first and second allocations, as in 1961. This article also provides that any seats left over after the third allocation would go to the leading party.

Article VII stipulates that the military and civil servants shall vote, on the basis of special electoral registers, for candidates of their place of origin. (In the last elections they voted for candidates of the areas where they were stationed.)

Article X requires the replacement of nomarchs and permits the replacement of the two security chiefs (of the police and gendarmerie) during the electoral campaign. (All have been replaced since the electoral law became effective.)

Article XI permits representatives of the parties to observe the revision of electoral registers by a private firm.

Article XIII postpones municipal elections until after the new parliament meets but not later than four months from that date.

Finally, the law provides that the elections will be held on the basis of the 1961 census. Since this means a shift of 13 seats from more rural to urban areas (A-1212, June 25, 1963) many observers consider that this feature of the law will benefit the Center Union and EDA which have been traditionally stronger in the cities.

For the Chargé d'Affaires a.i.

H Daniel Brewster

H. Daniel Brewster
Counselor of Embassy
for Political Affairs

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freedom of the press and of expression, protection from arbitrary imprisonment, prohibition of special tribunals, freedom of association, inviolability of the home.

This illegal suspension of the constitutional safeguards of the Rule of Law was followed by a series of draconian measures, introduced by "emergency laws". Censorship and severe restrictions have been imposed upon the press resulting in the closure of several newspapers, public meetings have been prohibited, numerous homes have been searched, military courts have been set up and political parties have been dissolved, as have several hundred other organisations, including trade unions, cultural societies and sports clubs, their property being seized and their archives and bank accounts confiscated.

Some thousands of persons, including politicians, lawyers, journalists and ordinary citizens, have been arrested and detained. Their fate is still uncertain. On April 25, Colonel Papadopoulos said at a press conference that they would be tried by "commissions of security" which would include in their membership judges of the ordinary courts. However, some days later he said that: "Those who make a statement - which is accepted as sincere - and who will no longer be a danger to public security will be released. As for the others, they will wait until there is no longer any fertile soil in which they can sow their seeds of trouble. They will then be released, but kept out of the way". It is difficult to opt as to whether "trial by Commissions of Security" or a decision by some unknown authority in secret is to be preferred.

The fact that some jurists are in the service of the military regime and occasional protestations that "legality will be respected" can in no way conceal the flagrant violation of the Rule of Law which is taking place. Everyone knows only too well the fatal path along which are led all dictatorial regimes instituted by force and maintained in power by coercion, even when at the start the persons concerned acted in good faith and from the best of motives.

Greece is a party to the European Convention for the Protection of Human Rights. The actions and methods of the Greek military regime clearly offend the provisions of the Convention. Accordingly these events concern not only Greece but all the other High Contracting Parties to the Convention and are highly damaging to the concepts of democracy and legality.

Wherever they take place, military coups d'état, forcible seizures of power, and the disregard of the fundamental principles of justice and freedom which have been painstakingly forged as civilization has developed, are always highly dangerous and damaging. There are cases where one can perhaps point to circumstances capable, if not of justifying or excusing such actions, then at least of making them less intolerable. This is not such a case. The fact that democracy should have been not only scorned but deported and placed in a concentration camp in a European country and more particularly in Greece, the cradle of the very concept of democracy and a country whose millenial humanist tradition had become a symbol, is felt by world public opinion with quite particular anxiety and distaste.

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